

April 3, 1998

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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***CORRECTED* REPORT AND RECOMMENDATION TO THE KING COUNTY  
COUNCIL**

**SUBJECT:** Department of Development and Environmental Services File No. **L98RZ001**  
Proposed Ordinance No. **98-094**

**LE CLERCQ, ET AL.**  
Zone Reclassification

Location: Approximately one mile north of Williams Road/Northeast 124<sup>th</sup> Street  
intersection, in the Northshore Planning Area

Applicant: Nicholas Le Clercq, et al.  
5325 West Mercer Way  
Mercer Island, WA 98040

**This report has been reissued to correct a clerical error with respect to the proposed ordinance number. With the exception of this correction and a new appeal period the report remains the same in every other aspect.**

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve
Department's Final:	Approve
Examiner:	Approve

**EXAMINER PROCEEDINGS:**

Hearing Opened:	March 5, 1998, 1:30 p.m.
Hearing Closed:	March 5, 1998, 1:40 p.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**ISSUES ADDRESSED:**

- landscaping
- buffers

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner adopts and incorporates herein by this reference the Findings, Conclusions and Recommendation made by the Land Use Services Division as set forth in its Preliminary Report to the King County Hearing Examiner for the March 5, 1998 public hearing. In addition, it is concluded that the proposed reclassification, as recommended, meets the requirements of KCC 20.24.190, and would carry out and help to implement the goals and objectives of the King County Comprehensive Plan, the Northshore Community Plan, the Zoning Code and other policies and objectives for the growth of King County. The requested use will not be unreasonably incompatible with, or detrimental to, affected properties and the general public.

Copies of the Land Use Services Division's report for the March 5, 1998 public hearing will be attached to the copies of this report submitted to the County Council.

ORDERED this 3rd day of April, 1998.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 3rd day of April, 1998, to the parties and interested persons shown on the attached list.

**NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before April 17, 1998*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before April 24, 1998*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if

actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

#### MINUTES OF THE MARCH 5, 1998 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98RZ001 – LE CLERCQ, ET AL:

James N. O'Connor was the Hearing Examiner in this matter. Participating at the hearing were Karen Scharer, representing the County; Nick LeClerc and Bob Minnott.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Staff report for March 5, 1998, public hearing
- Exhibit No. 2 Motion No. 10351
- Exhibit No. 3 E98E0016 – Threshold Determination, Determination of Nonsignificance dated February 6, 1998
- Exhibit No. 4 Notice of Recommendation/Hearing dated February 18, 1998
- Exhibit No. 5 Affidavit of Publication – Seattle Times February 18, 1998
- Exhibit No. 6 Affidavit of Publication – Northshore Citizen February 18, 1998
- Exhibit No. 7 Assessor maps 27-26-05 & SE 22-26-05
- Exhibit No. 8 Amendment to Ordinance No. 96-263 (M-6.1)
- Exhibit No. 9 Letter from the Woodinville Water District, October 3, 1997
- Exhibit No. 10 P-Suffix Query Results for parcels referred in staff report
- Exhibit No. 11 P-Suffix Query Results – NS-P7
- Exhibit No. 12 P-Suffix Query Results – NS-P8
- Exhibit No. 13 P-Suffix Query Results – SO-220
- Exhibit No. 14 P-Suffix Query Results – KCC 16.82.150D

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